

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

ROBERT HEFFERNAN

PETITIONER

v.

NO. 5:12CV00065 SWW

RAY HOBBS, Director of the
Arkansas Department of Correction

RESPONDENT

ORDER

The Court has received findings and a recommendation from Magistrate Judge H. David Young. After a careful review of the findings and recommendation, the timely objections received thereto, and a de novo review of the record, the Court concludes that the findings and recommendation should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. The petition for writ of habeas corpus pursuant to 28 U.S.C. 2254 filed by petitioner Robert Heffernan is dismissed because he failed to obtain the permission of the United States Court of Appeals for the Eighth Circuit before filing his petition. All requested relief is denied, and, in accordance with Rule 11(a) of the Rules Governing Section 2254 Cases In The United States District Courts, a certificate of appealability is denied. Judgment will be entered for respondent Ray Hobbs.

IT IS SO ORDERED this 20TH day of April, 2012.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE